IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 5555 of 2005

Between:

Ziaguda Arya Katika Association,

Hyderabad rep. by its President,
D.Ashok @ Laddu, resident of

H.No.20-1-569, Gollakidiki, Hyderabad.

..... PETITIONER

AND

The Commissioner,

Municipal Corporation of Hyderabad,
Khairtabad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction or writ particularly a writ of Mandamus declaring that the action of respondent in passing the orders in file Order No.1009/VET/MCH/2004, dt. 27.7.2004 in refusing to grant permission to sell live goat and sheep at Ziaguda slaughter house is null and void and consequently direct the respondent to give permission to sell live goats and sheep at Ziaguda slaughter house.

Counsel for the Petitioner: MR.VIJAY B.PAROPAKARI
Counsel for the Respondent: MR.G.RAMA RAO

The Court made the following:

ORDER:

Permission to sell live animals in the city was rejected by the respondent by the order impugned, on the ground that due to absence of slaughterhouses, the sale of live animals in the city will facilitate illegal slaughter, leading to health hazards.

2. The contention of the learned counsel for the petitioner is that since Division Bench of this Court in SYED SALEM v. GOVERNMENT OF ANDHRA PRADESH AND OTHERS in (W.P.No.10284 of 2004 dated 13.9.2004) laid down steps to be taken for stoppage of illegal slaughtering of animals, the order impugned rejecting the request of the petitioner, solely on the ground that it would facilitate illegal slaughtering leading to health hazards, is unsustainable.

3. In Syed Salem case relied on by the learned counsel for petitioner it is held :

> " Respondent No.2 (Commissioner, MCH) has to gear up its machinery that strict action is taken in accordance with law against those who are indulging in slaughtering in twin cities and in case illegal slaughtering is continuing to take place, whatever steps as are permissible in law be taken to stop such illegal slaughtering and in case respondent No.2 would feel handicapped in approaching certain areas because of law and order situation, here is no manner of doubt that respondent No.2 should take necessary help from respondent No.3 (Commissioner of Police, Hyderabad) and in case such help is sought for by 2nd respondent, there is no reason why the 3rd respondent will not come forward and render such assistance to ensure that illegal slaughtering does not take place in twin cities."

The direction in that case was given in respect of illegal slaughterings. Granting permission to sell live goats would definitely facilitate illegal slaughtering. Obviously because respondent felt that prevention is better than cure, he rightly refused the permission.

4. By according the relief sought respondent increases his burden for effective implementation of the direction given to him by he Division Bench in the above case. Therefore, I find no grounds to interfere with the order of the respondent rejecting the application of the petitioner.

5. Hence, petition is dismissed. No costs.

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C.Y.SOMAYAJULU,J.

Date: April 26th, 2005.

BSB

Note:

Issue C.C. by two days.

// B.O. //

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,

Municipal Corporation of Hyderabad,
Khairtabad, Hyderabad.

2. Two CD copies

*Form-NIC-OGS/WP{**JGK**}*